

REMARKS

This Amendment is being filed in response to the Office Action mailed on December 16, 2008 which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-2, 4-6, 8-15 and 18-24 remain in this application, where claims 3, 7 and 16-17 had been previously canceled without prejudice, and claims 18-24 have been currently added. Claims 1, 5-6 and 8-9 are independent.

In the Office Action, the Examiner objected to the specification for certain informalities. In response, the specification has been amended to remove the informalities noted by the Examiner. Accordingly, withdrawal of the objection to the specification is respectfully requested.

In the Office Action, claims 1-2, 4-6 and 8-15 are rejected under 35 U.S.C. §103(a) over WO 01/90860 (Schwartz) in view of U.S. Patent Application Publication No. 2003/0110192 (Valente). It is respectfully submitted that claims 1-2, 4-6, 8-15 and 18-24 are

patentable over Schwartz and Valente for at least the following reasons.

Schwartz is directed to a method for authenticating that a specified pre-recorded media (e.g., CD) is inserted into a drive "for granting access to restricted content related to a specific prerecorded media". (Schwartz, page 1, lines 7-8; emphasis added) As specifically recited on page 2, lines 10-14:

the system confirms that the CD in the CD ROM drive is the selected CD by scanning the CD in the CD ROM drive, and generating a unique identifier from the contents of the CD. In a preferred embodiment, the unique identifier is a function of the structural arrangement of the data (e. g. songs) on the CD.
(Emphasis added)

That is, access to restricted content is provided based on the content of the CD to be rendered, such as the songs on the CD.

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claims 5-6 and 8-9, amongst other patentable elements recites (illustrative emphasis provided):

authenticating the memory medium by comparing said memory medium properties with corresponding properties of a corresponding memory medium legally produced by a provider, before sending the additional

data to the device, and

determining that the memory medium is illegally produced when the memory medium properties are different from the corresponding properties even if the memory medium includes identical content for rendering as the corresponding memory medium.

Determining that the memory medium is illegally produced when the memory medium properties are different from properties of a legal disc, even if the content to be rendered is identical to contents of a legal disc, is nowhere disclosed or suggested in Schwartz. Schwartz merely compares the content to be rendered, and not the properties of the CD itself. Valente is cited to allegedly show other features and does not remedy the deficiencies in Schwartz.

Accordingly, it is respectfully requested that independent claims 1, 5-6 and 8-9 be allowed. In addition, it is respectfully submitted that claims 2, 4, 10-15 and 18-24 should also be allowed at least based on their dependence from independent claims 1 and 5-6 as well as their individually patentable elements.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of

argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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